

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/931,866
July 22, 2004

REMARKS

Reconsideration and allowance of this application, as amended, are respectfully requested. Claim 5 has been amended solely to correct typographical mistakes. New claims 6-8 have been added. Claims 5-8 are now pending in the application. The rejection is respectfully submitted to be obviated in view of the remarks presented herein.

Obviousness Type Double Patenting Rejection - Yamada et al.

Claim 5 has been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 3 of Yamada et al. (U.S. Patent Number 6,301,365 B1) (hereinafter "Yamada"). The rejection is respectfully traversed.

Applicants' claimed invention relates to a disc player comprising an outputting part which outputs an audio signal, a memory which stores a designated address position, and a controller which performs a control operation. The control operation starts a reproduction operation when an instruction to start reproduction is received from a mixing apparatus to which the disc player is connectable to, and stops the reproduction operation and moves a pickup to an address position stored in the memory to stand by when an instruction to stop reproduction is received from the mixing apparatus.

Applicants respectfully submit that claim 5 is patentably distinct from Yamada's claim 3. The scope of claim 5 differs from claim 3 of Yamada. Particularly, Yamada's claim 1 refers specifically to an apparatus comprising, inter alia, first audio signal producing means for producing a first audio signal and second audio signal producing means for producing a second audio signal. Yamada's claim 3 further recites the first and second audio signal producing means

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U.S. Application No. 09/931,866

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comprising first and second disk players, respectively, the first and second audio signal producing means controlled by a control means of the apparatus. Based on the position of a movable single operating member within the apparatus, the control means selectively controls the first and second audio signal producing means and sets the single operating member to “a standby state with a data reading position of a pickup thereof fixed to a predetermined address position on a disk,” as recited in Yamada’s claim 3.

However, Applicants’ claim 5 is directed to a disc player itself, while claim 3 of Yamada is directed to an apparatus comprising first and second audio signal producing means, single operating member, level adjusting means, means for adding, means for detecting, and control means. Applicants’ claim 5 recites a “disc player comprising: an outputting part . . .; a memory for storing a designated address position; and a controller.” In Yamada’s claim 3, first and second audio signal producing means are only disclosed to comprise first and second disk players which are controlled by control means external to the first and second audio signal producing means. There is no mention in Yamada’s claim 3 of a disc player comprising at least a controller. Thus, Yamada’s claim 3 lacks elements recited in Applicants’ claim 5.

Additionally, Yamada’s first and second audio signal producing means of claim 3 lack a memory for storing a designated address position, as recited in Applicants’ claim 5. Conversely, Yamada’s claim 3 recites a predetermined address position to which a data reading position of a pickup is fixed. Because the data reading position of the pickup is fixed, it can not be a designated address position. By being fixed, it would not be possible to have a designation of an address position, and further storing such a designated address position in a memory. At least by

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virtue of the aforementioned differences, Applicants' claim 5 distinguishes over Yamada.

Reconsideration and withdrawal of the rejection under the judicially created doctrine of obviousness-type double patenting are respectfully requested.

Newly Added Claims

Claims 6-8 are newly added by this Amendment and are believed to be in condition for allowance.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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